

MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION
COMMONWEALTH OF MASSACHUSETTS
1 WINTER STREET
BOSTON, MASSACHUSETTS 02108

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ECOSYSTEM PROTECTION
REGION I
BOSTON, MASSACHUSETTS 02114

JOINT PUBLIC NOTICE OF A DRAFT NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE INTO THE WATERS OF THE
UNITED STATES UNDER SECTION 301 AND 402 OF THE CLEAN WATER ACT (THE
"ACT"), AS AMENDED, AND REQUEST FOR STATE CERTIFICATION UNDER SECTION
401 OF THE ACT.

DATE OF NOTICE: December 22, 2009

PERMIT NUMBER: MA0028941

PUBLIC NOTICE NUMBER: MA-004-10

NAME AND MAILING ADDRESS OF APPLICANT:

Massachusetts Bay
Transportation Authority
10 Park Plaza
Boston, MA 02116-3974

Massachusetts Bay Commuter
Railroad Company
32 Cobble Hill Road, Suite 3
Somerville, MA 02143-4431

Garden Corporation
1 Fleet Center Place, Suite 200
Boston, MA 02114

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

North Station Railroad Terminal
135 Causeway Street
Boston, MA 02116

RECEIVING WATER(S): Charles River (Segment MA72-38)

RECEIVING WATER CLASSIFICATION(S): B (Warm water, CSO)

PREPARATION OF THE DRAFT PERMIT:

The U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) have cooperated in the development of a permit for the above identified facility. The effluent limits and permit conditions imposed have been drafted to assure that State Water Quality Standards and provisions of the Clean Water Act will be met. EPA has formally requested that the State certify this draft permit pursuant to Section 401 of the Clean Water Act and expects that the draft permit will be certified.

INFORMATION ABOUT THE DRAFT PERMIT:

A fact sheet (describing the type of facility; type and quantities of wastes; a brief summary of the

basis for the draft permit conditions; and significant factual, legal and policy questions considered in preparing this draft permit) and the draft permit may be obtained at no cost at http://www.epa.gov/region1/npdes/draft_permits_listing_ma.html or by writing or calling EPA's contact person named below:

Nicole Kowalski
U.S. EPA
1 Congress Street, Suite 1100 (CIP)
Boston, MA 02114-2023
Telephone: (617) 918-1746

The administrative record containing all documents relating to this draft permit is on file and may be inspected at the EPA Boston office mentioned above between 9:00 a.m. and 5:00 p.m., Monday through Friday, except holidays.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

All persons, including applicants, who believe any condition of this draft permit is inappropriate, must raise all issues and submit all available arguments and all supporting material for their arguments in full by **January 20, 2010**, to the U.S. EPA, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. Any person, prior to such date, may submit a request in writing to EPA and the State Agency for a public hearing to consider this draft permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on this draft permit the Regional Administrator will respond to all significant comments and make the responses available to the public at EPA's Boston office.

FINAL PERMIT DECISION:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice.

GLENN HAAS, DIRECTOR
DIVISION OF WATERSHED
MANAGEMENT
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION

STEPHEN S. PERKINS, DIRECTOR
OFFICE OF ECOSYSTEM PROTECTION
ENVIRONMENTAL PROTECTION
AGENCY – REGION 1

Multi-purpose group : NPDES Public Notice EMail Group - MA ONLY



Basics

Group name: NPDES Public Notice EMail Group - MA ONLY
Group type: Multi-purpose
Category:
Description: MA PNs only
Mail Domain:
Internet Address:
Auto Populate Method: ☐ None

Members:

adonlon@ctriver.org
Brona.simon@state.ma.us
christopher.Boelke@Noaa.gov
cindy.delpapa@state.ma.us
ckilian@clf.org
cliebman@clf.org
dnorton@ci.brockton.ma.us
David.ferris@state.ma.us
ek@mysticriver.org
jack.schwartz@state.ma.us
jclarke@massaudubon.org
jdavenport@clf.org
jdigiacoia@natickma.org
joanne.mcbrien@state.ma.us
jryan@massaudubon.org
JewellC@bwsc.org
kathleen.keohane@state.ma.us
kbowditch@crwa.org
kurt.boisjolie@state.ma.us
Karen.k.adams@nae02.usace.army.mil
lasley@SavetheHarbor.org
lee_steppacher@nps.gov
willitts@medfield.net
mcoviello@natickma.org
meadiw@cdm.com
mjdamon@verizon.net
mstpierre@sdepasquale.com
mvandeusen@crwa.org
mwwa@verizon.net
Mark.Gibson@dem.ri.gov
nbsewer@verizon.net
patrick@mysticriver.org
pcyr@rhwhite.com
Paul.diodati@state.ma.us
Petersen@savebuzzardsbay.org
ramjet@alum.mit.edu
rdemello@yarmouth.ma.us
richard.hartley@state.ma.us
robert.boeri@state.ma.us
rzimmerman@crwa.org
sanderson@andersonkreiger.com
sean.corcoran@wgbh.org
todd.callaghan@state.ma.us
whigden@burlmass.org

Group type description

'Multi-purpose' groups are the default group type :
They can be used for access control and email pu

'Mail only' groups are used for e-mail purposes or
They cannot be used for Access Control Lists (AC

'Access Control List' groups are used for database
authentication only.
They cannot be used for e-mail purposes.

'Deny List only' groups are used for server access
They are only visible to server administrators. The
other purposes.

'Server only groups' can be used for connection d
Administrator Client's Domain Bookmarks for gro

Auto Populate description

'None' : The group Members are specified by the .

'Home Server' : The group Members are those m
server is one of the servers specified.

Email PN

sent on 12/21/09.

wwaller@savebay.org

Administration

Owners: Danny Rodriguez/R1/USEPA/US
R1 Administrators

Administrators: Danny Rodriguez/R1/USEPA/US
Shelly Puleo/R1/USEPA/US
Olga Vergara/R1/USEPA/US
Glenda Velez/R1/USEPA/US
R1 Administrators

**Allow foreign directory
synchronization:** Yes

Last updated: 12/17/2009 11:58:48 AM Olga Vergara/R1/USEPA/US

Multi-purpose group : NPDES Public Notice EMail Group - MA & NH



Basics

Group name: NPDES Public Notice EMail Group - MA & NH
Group type: Multi-purpose
Category:
Description: MA and NH PNs
Mail Domain:
Internet Address:
Auto Populate Method: ☐ None

Members:
adavis@assabetriver.org
afieldjuma@assabetriver.org
andrew_major@fws.gov
angelo.liberti@dem.ri.gov
anthony_tur@fws.gov
Brian.kooiker@state.vt.us
ctabak@merrimack.org
D01-smb-secneouc@uscg.mil
eric.beck@dem.ri.gov
joseph.haberek@dem.ri.gov
julie.crocker@NOAA.gov
kathrynN@nashuariverwatershed.org
Lou.chiarella@NOAA.gov
marthaM@nashuariverwatershed.org
Maritza.pagan@po.state.ct.us
peter.colosi@NOAA.gov
Paul.Stacey@ct.gov
tmatuszko@berkshireplanning.org
tom_chapman@fws.gov
tonyp@rianalytical.com
tpickering@apexcos.com

Group type description

'Multi-purpose' groups are the default group type :
They can be used for access control and email pu

'Mail only' groups are used for e-mail purposes or
They cannot be used for Access Control Lists (AC

'Access Control List' groups are used for databas
authentication only.
They cannot be used for e-mail purposes.

'Deny List only' groups are used for server access
They are only visible to server administrators. The
other purposes.

'Server only groups' can be used for connection d
Administrator Client's Domain Bookmarks for grou

Auto Populate description

'None' : The group Members are specified by the .

'Home Server' : The group Members are those me
server is one of the servers specified.

Administration

Owners: Public-Notice-Team R1-NPDES/R1/USEPA/US
Administrators: Danny Rodriguez/R1/USEPA/US
Shelly Puleo/R1/USEPA/US
Olga Vergara/R1/USEPA/US
Glenda Velez/R1/USEPA/US
R1 Administrators
Allow foreign directory
synchronization: Yes
Last updated: 09/22/2009 01:39:50 PM R1MAIL1/R1/USEPA/US

Email PN

Sent on
12/21/09.

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Total Postage & Fees	\$

MA0028941

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Sent To
Mawann Reilly, MBRR Env. Mgr.
Street, Apt. No.,
or PO Box No. No. Sta. Railroad Terminal
City, State, ZIP+4 135 Causeway St. Boston, MA 02116

PS Form 3800, August 2006 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

MA0028941

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Sent To
Mr. Andrew Brennan, MBTA Dir. of
Street, Apt. No.,
or PO Box No. Env. Affairs, Ten Park Plaza
City, State, ZIP+4 Boston, MA 02116-3974

PS Form 3800, August 2006 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

MA0028941

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Boston, MA
02114

Sent To
Mr. Jason Beckoff, Director
Street, Apt. No.,
or PO Box No. of Operations, DelaWague
City, State, ZIP+4 North Corp. - Boston, 100 Legends Way

PS Form 3800, August 2006 See Reverse for Instructions



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEC 18 2009

Ms. Maryann Reilly
MBCR Environmental Manager
North Station Railroad Terminal
135 Causeway Street
Boston, MA 02116

Mr. Andrew Brennan
MBTA Director of Environmental Affairs
Ten Park Plaza
Boston, MA 02116-3974

Mr. Jason Beckett, Director of Operations
Delaware North Corporation-Boston
100 Legends Way
Boston MA 02114

Re: Public Notice Issuance of NPDES Permit No. MA0028941
(for) North Station Railroad Terminal

Dear Ms. Reilly, Mr. Brennan, and Mr. Beckett:

In accordance with Chapter 21, Sections 43-45 of the Massachusetts Clean Waters Act, as amended, and Section 402 of the Federal Clean Water Act (CWA), as amended, the Commonwealth of Massachusetts and the Environmental Protection Agency (EPA), Region I intend to issue a National Pollutant Discharge Elimination System (NPDES) permit to your facility.

The enclosed draft permit, developed by this office and the Massachusetts Department of Environmental Protection (MassDEP), contains effluent limitations and conditions to assure that the discharge receives adequate treatment and will not violate water quality standards. Also, enclosed is the Fact Sheet which briefly describes the basis for the permit conditions. You are encouraged to closely review all terms and conditions contained in this draft.

If you have any questions or concerns regarding this draft permit or if you believe the draft permit does not accurately describe your discharge or contain a reasonable compliance schedule (where appropriate), you should notify each office, in writing, no later than the last day of the public comment period.

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

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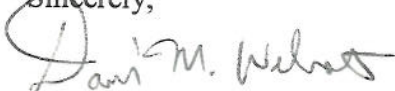
Federal and Commonwealth law require public notice to be given of the preparation of a draft permit to allow opportunity for public comments and, if necessary, a public hearing. Concurrently with this letter EPA and MassDEP have proceeded to publish public notice of the proposed issuance of this permit. In order to preserve the right to a formal hearing to contest provisions in a final permit, all persons, including the applicant, who believe any condition of the draft is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (40 Code of Federal Regulations [C.F.R.] §124.13).

Following the close of the public comment period, your final permit will be issued providing no new substantial questions are raised. If new questions develop during the comment period, it may be necessary to draft a new permit, revise the Fact Sheet, and/or reopen the public comment period.

You should be aware that, since you discharge in the coastal zone, under the provisions of the Coastal Zone Management Act, 16 U.S.C. §1451 et seq., and its implementing regulations, **EPA cannot issue an NPDES permit for your facility until you submit a certification that your activities will be consistent with the Massachusetts Coastal Zone Management ("MCZM") policies and the state CZM office concurs with your certification.** See 15 C.F.R. §930 et seq. and 40 C.F.R. §122.49(d). You should therefore provide EPA and the state CZM office with the following statement: "The proposed activity complies with the policies of the Massachusetts approved coastal management program and will be conducted in a manner consistent with such policies". In your consistency letter, you should also briefly describe the proposed activity and how it is consistent with the CZM program policies. Please forward a copy of your permit application and enclosed draft permit to MCZM in order for them to conduct a consistency review and issue a concurrence. Further information about this process may be obtained from Robert L. Boeri, Project Review Coordinator, Massachusetts Office of Coastal Zone Management, 251 Causeway Street, Suite 800, Boston, MA 02114-2136; (617) 626-1050 (phone) and (617) 626-1240 (fax).

If you have any questions or would like to discuss any of the conditions contained in this draft permit, do not hesitate to contact Nicole Kowalski of my staff at 617-918-1746.

Sincerely,



David Webster

Chief, Industrial Permits Branch
Office of Ecosystem Protection

Enclosures: Draft Permit and Fact Sheet

cc: Kathleen Keohane, MassDEP

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Total Postage & Fees	\$	

Sent To	K. Keohane
Street, Apt. No., or PO Box No.	627 Main St.
City, State, ZIP+4	Worcester 01608

PS Form 3800, June 2002

See Reverse for Instructions



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEC 18 2009

Glenn Haas, Director
Division of Watershed Management
Massachusetts Department of Environmental Protection
One Winter Street
Boston, Massachusetts 02108

Dear Mr. Haas:

Enclosed is a copy of the following draft permit prepared pursuant to 40 C.F.R. §124.6, 48 Fed. Reg. 14268 (April 1, 1983). This draft permit has been discussed with your staff.

Permit Number

MA0028941

Name of Permittees

Massachusetts Bay Transportation Authority, Massachusetts Bay
Commuter Railroad Company, and the Garden Corporation – North
Station Railroad Terminal

EPA may not issue a permit until a state certification is granted or waived in accordance with the Clean Water Act, Section 401(A)(1) and pursuant to 40 C.F.R §124.55. By transmittal of the above draft permit, we are requesting that the State make a determination concerning certification. The State will be deemed to have waived its right to certify unless certification is received within 60 days of receipt of this request.

This certification should include the specific conditions necessary to assure compliance with applicable provisions of the Clean Water Act, Section 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. In addition, you should provide a statement of the extent to which each condition of this draft permit can be made less stringent without violating the requirements of State law. Failure to provide this statement for any condition waives the right to certify or object to any less stringent condition which may be established by EPA during the permit issuance process. If you believe that any conditions more stringent than those contained in this draft permit are necessary to meet the requirements of either the CWA or State law, you should include such conditions and, in each case, cite the CWA or State law reference upon which that condition is based. Failure to provide such a citation waives the right to certify as to that condition. The sludge conditions implementing Section 405(d) of the CWA are not subject to the 401 certification requirements.

Reviews and appeals of limitations and conditions attributable to State certification shall be made through the applicable procedures of the State and may not be made through the applicable procedures of 40 C.F.R. Part 124.

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

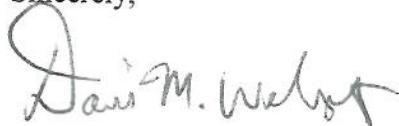
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The enclosed draft permit has been sent out on public notice for comment by the public. Upon review of the public comments and receipt of your certification or waiver thereof, EPA proposes to issue or deny any permit.

I would appreciate receiving your certification as soon as possible, but no later than 60 days of receipt of this letter. If you have any questions, please contact Nicole Kowalski (617) 918-1746.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "David M. Webster". The signature is fluid and cursive, with the first name "David" being more prominent.

David M. Webster, Chief
Industrial Permits Branch
Office of Ecosystem Protection

Enclosure

cc: Kathleen Keohane, MassDEP

12/18/09.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Maryann Reilly
MBCR Environmental Manager
North Station Railroad Terminal
135 Causeway Street
Boston, MA 02116

Mr. Andrew Brennan
MBTA Director of Environmental Affairs
Ten Park Plaza
Boston, MA 02116-3974

Mr. Tasha Beckett

Mr. Chris Maher, Vice President of Development
Garden Corporation
1 Fleet Center Place, Suite 200
Boston, MA 02114

Re: Public Notice Issuance of NPDES Permit No. MA0028941
(for) North Station Railroad Terminal

Dear Ms. Reilly, Mr. Brennan, and Mr. ~~Maher~~ *Beckett*:

In accordance with Chapter 21, Sections 43-45 of the Massachusetts Clean Waters Act, as amended, and Section 402 of the Federal Clean Water Act (CWA), as amended, the Commonwealth of Massachusetts and the Environmental Protection Agency (EPA), Region I intend to issue a National Pollutant Discharge Elimination System (NPDES) permit to your facility.

The enclosed draft permit, developed by this office and the Massachusetts Department of Environmental Protection (MassDEP), contains effluent limitations and conditions to assure that the discharge receives adequate treatment and will not violate water quality standards. Also, enclosed is the Fact Sheet which briefly describes the basis for the permit conditions. You are encouraged to closely review all terms and conditions contained in this draft.

If you have any questions or concerns regarding this draft permit or if you believe the draft permit does not accurately describe your discharge or contain a reasonable compliance schedule (where appropriate), you should notify each office, in writing, no later than the last day of the public comment period.

Federal and Commonwealth law require public notice to be given of the preparation of a draft permit to allow opportunity for public comments and, if necessary, a public hearing.

CONCURRENCES						
SYMBOL	<i>CIP</i>	<i>CIP</i>	<i>CIP</i>			
SURNAME	<i>NK</i>	<i>DK</i>	<i>Beckett</i>			
DATE	<i>10/27</i>	<i>10/28/09</i>	<i>12/1/09</i>			

Concurrently with this letter EPA and MassDEP have proceeded to publish public notice of the proposed issuance of this permit. In order to preserve the right to a formal hearing to contest provisions in a final permit, all persons, including the applicant, who believe any condition of the draft is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (40 Code of Federal Regulations [C.F.R.] §124.13).

Following the close of the public comment period, your final permit will be issued providing no new substantial questions are raised. If new questions develop during the comment period, it may be necessary to draft a new permit, revise the Fact Sheet, and/or reopen the public comment period.

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If you have any questions or would like to discuss any of the conditions contained in this draft permit, do not hesitate to contact Nicole Kowalski of my staff at 617-918-1746.

Sincerely,

David Webster
Chief, Industrial Permits Branch
Office of Ecosystem Protection

Enclosures: Draft Permit and Fact Sheet

cc: Kathleen Keohane, MassDEP

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							



**PERMIT ROUTING SHEET FOR CIP
MASSACHUSETTS AND NEW HAMPSHIRE
PUBLIC NOTICE AND STATE CERTIFICATION**



PERMIT NAME: North Station Railroad Terminal

PERMIT NUMBER: MA0028941

MAJOR/MINOR: MINOR

COMMENTS:

NAME	MAIL CODE	INITIALS	DATE IN	DATE OUT
Nicole Kowalski, Permit Writer	CIP	NK	*****	10/27
Damien Houlihan, Initial PN Review	CIP	DH	10/27	11/17/09
George Harding, Northeast MA Compliance	SEW	SH/H	11/17	11/18
Compliance - ICIS <i>Email few comments</i>	SEW	Ref	11/18	11/18-09
Nicole Kowalski, Permit Writer	CIP	NK	11/18	11/18
Damien Houlihan, Final PN Review	CIP	DH	11/18	11/18
David Webster, Final PN Review and Letter Signing	CIP	DW	12/1	12/1
Nicole Kowalski, Permit Writer ⁽¹⁾	CIP	NK	12/1	12/15
Olga Vergara/Shelly Puleo, Mail Public Notice, Certification Request Letter	CMU	O.V./D.C.	12/17	12/22/09
Nicole Kowalski, Permit Writer	CIP			*****

PN package sent to R. Paulman OES

⁽¹⁾ Permit Writer to email electronic versions of Draft Permit, Fact Sheet, and Public Notice to Sandy Lao and Danny Rodriguez. Permit Writer to email electronic version of public notice to Olga Vergara and Shelly Puleo.